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Reply to: Greenville

April 2, 1992

Adam M. Kushner
Trial Attorney
Environmental Enforcement Section
U. S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

Re: USA v. ABCO Industries, Ltd., et al.
C/A 6:92-0153-20 (D.S.C.)

Dear Mr. Kushner:

I am enclosing copies of the following:

- 1) Motion to Enter Consent Decree filed on March 25, 1992; and
- 2) Order signed by The Honorable Henry M. Herlong, Jr., on March 27, 1992.

Very truly yours,

JOHN S. SIMMONS
United States Attorney

By: 

James D. McCoy III
Assistant U. S. Attorney

JDMIII/lah

enclosures: 2

cc: Mary Jane Norville
KING & SPALDING
191 Peachtree St., N.W.
Atlanta, Ga. 30303

90-11-3-104A

DEPARTMENT OF JUSTICE
APR 7 1992
LANDS DIVISION ENFORCEMENT RECORDS



10575592

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

ORIGINAL FILED

MAR 27 1992

UNITED STATES OF AMERICA,
Plaintiff,

v.

ABCO INDUSTRIES, LTD.,
BASF CORPORATION, COLONIAL
HEIGHTS PACKAGING, INC.,
ETHOX CHEMICALS, INC.,
EVODE-TANNER INDUSTRIES, INC.,
MILLIKEN & COMPANY, NATIONAL
STARCH AND CHEMICAL
CORPORATION, and SPECIALTY
INDUSTRIAL PRODUCTS, INC.,

Defendants.

ANN A. BIRCH, CLERK
U. S. DISTRICT COURT

CIVIL ACTION NO.
6:92-0153-20

ORDER

This cause comes upon the plaintiff's Motion to Enter the Consent Decree that was previously filed with this Court. Notice of the proposed Consent Decree has been provided to the public and the public has been given 30-days to file objections to the proposed Consent Decree. Counsel for the United States has informed this Court that no public comments were filed.

It is, therefore, ORDERED, ADJUDGED and DECREED that the plaintiff's Motion to Enter the Consent Decree be GRANTED and the same hereby is GRANTED.

DONE, this the 27th day of March, 1992.

24 HENRY M. HERLONG, JR.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that, on March 24, 1992, I sent a copy of the United States of America's Motion to Enter Consent Decree by first-class mail, postage pre-paid to the Chairperson of the Medley Farms Superfund Site Steering Committee as follows:

Mary Jane Norville
King & Spalding
191 Peachtree Street
Atlanta, GA 30365



ADAM M. KUSHNER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

MAR 25 1992

ANN A. BIRCH, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CIVIL ACTION NO.
6:92-0153-20

ABCO INDUSTRIES, LTD.,)
BASF CORPORATION, COLONIAL)
HEIGHTS PACKAGING, INC.,)
ETHOX CHEMICALS, INC.,)
EVODE-TANNER INDUSTRIES, INC.,)
MILLIKEN & COMPANY, NATIONAL)
STARCH AND CHEMICAL)
CORPORATION, and SPECIALTY)
INDUSTRIAL PRODUCTS, INC.,)

Defendants.)

MOTION TO ENTER CONSENT DECREE

Comes now the plaintiff, the United States of America, on behalf of the United States Environmental Protection Agency ("EPA"), and moves the Court to enter the Consent Decree herein. As grounds to support this motion, plaintiff states:

1. The Consent Decree in the above-captioned case was lodged with the complaint on January 17, 1992, and a Notice of Lodging of the Consent Decree was also filed on that date.
2. Pursuant to Section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9622(d)(2), and Title 28, Code of Federal Regulations Section 50.7 (28 C.F.R. § 50.7), the plaintiff must

notify the public of its right during a thirty-day period to submit comments on the Consent Decree before the Court may execute and sign and enter the Consent Decree.

3. The Department of Justice, in accordance with these provisions published a notice in the Federal Register notifying the public of the proposed Consent Decree. That Notice was published on January 29, 1992 at 57 Fed. Reg. 3440.

4. The United States has received no public comment on the proposed Consent Decree.

Wherefore, the plaintiff moves this Court to enter the Consent Decree herein.

Respectfully submitted,

BARRY M. HARTMAN
Acting Assistant Attorney General
Environment and Natural Resources
Division

DATE: *March 26, 1992*

By: *Adam M. Kushner*
ADAM M. KUSHNER
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Environmental Enforcement Section
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JOHN S. SIMMONS
United States Attorney
District of South Carolina

DATE: *March 25, 1992*

By: *James D. McCoy, III*
JAMES D. MCCOY, III

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OF COUNSEL:

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LAWRENCE GRONER
Office of Enforcement
United States Environmental
Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. ABCO Industries, Ltd. et al., relating to the Medley Farm Superfund Site.

Specialty Industrial Products, Inc.
Type name of entity

Date: 2/27/92

By: Mike Flanagan
Title: V.P. General Mgr.

Attest:

By: _____
Title: _____

(CORPORATE SEAL)

Agent Authorized to Accept Service on Behalf of Above-signed Party:

Name: Robert D. Mowrey

Title: _____

Address: Alston & Bird
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

Note: A separate signature page must be signed by each corporation, individual or other legal entity that is settling with the United States.